



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,412

10/17/2005

Masato Yamamichi

2005\_1655A

3708

52349

7590

09/09/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

09/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,412	<b>Applicant(s)</b> YAMAMICHI ET AL.	
	<b>Examiner</b> Christian LaForgia	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,12-17,21-31,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 8-11,18-20 and 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,12-17,21-31,39 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/08; 10/17/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2439

### **DETAILED ACTION**

1. The applicant has elected Group I; therefore, claims 1-7, 12-17, 21-31, 39, and 40 have been presented for examination.
2. Claims 8-11, 18-20, and 32-38 have been withdrawn from consideration as being directed to a non-elected invention

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

4. The information disclosure statements (IDS) submitted on 17 October 2005 and 04 March 2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 16, 17, 30, and 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 16, 17, 30, and 40, merely claimed as a computer program representing a computer listing *per se*, that is, descriptions or expressions of such a program and that is, descriptive material *per se*, non-functional descriptive material, are

Art Unit: 2439

not statutory because it is not a physical “thing” nor a statutory process, as there are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program’s functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program’s functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program’s functionality to be realized, and is thus statutory. See MPEP § 2106(IV)(B)(1)(a).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 12-17, 21-31, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,782,190 B1 to Morito, hereinafter Morito.

10. As per claims 12, 14, and 16, Morito teaches an aggregation apparatus method for aggregating a main content recorded on a first recording medium and a sub content and recording the aggregated contents onto a second recording medium,

wherein reproduction control information indicating whether or not reproduction of the main content is permitted is recorded on the first recording medium (Figures 3 [block 9], 8

Art Unit: 2439

[block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the aggregation apparatus (Figures 3 [block 11], 8 [block 25]) comprises:

a first obtainment unit operable to obtain the main content from the first recording medium (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain the reproduction control information from the first recording medium (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the reproduction control information is information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20);

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the second recording medium, when the judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk **1**); and

Art Unit: 2439

a changing unit operable to change the reproduction control information recorded on the first recording medium so that said reproduction control information indicates that reproduction of the main content is not permitted, in the case where the main content and the sub content are recorded onto the second recording medium by the recording unit (Figure 11 [step S27], column 8, line 59 to column 9, line 20).

11. As per claims 13, 15, and 17, Morito teaches a reproduction apparatus and method for reproducing a main content recorded on a recording medium,

wherein reproduction control information indicating whether or not reproduction of the main content is permitted is recorded on the recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the reproduction apparatus (Figures 3 [block 9], 8 [block 22]) comprises:

a first obtainment unit operable to obtain the main content from the recording medium (Figures 3 [blocks 1, 9], 8 [blocks 1, 22], column 8, lines 22-39);

a second obtainment unit operable to obtain the reproduction control information from the recording medium (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the reproduction control information is information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42],

Art Unit: 2439

15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a reproduction unit operable to reproduce the main content recorded on the recording medium, when the judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55).

12. As per claim 21, Morito teaches an aggregation system comprising an aggregation apparatus and a reproduction apparatus, wherein the aggregation apparatus includes:

a first obtainment unit operable to obtain a main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto a recording medium are permitted (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block

Art Unit: 2439

22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the recording medium, when the judgment unit judges that the aggregation judgment information is the information indicating that aggregation and recording onto the recoding medium are permitted, and the reproduction apparatus reproduces the main content and the sub content which are recorded on the recording medium (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk **1**).

13. As per claim 22, Morito teaches an aggregation apparatus for aggregating a main content and a sub-content and recording the aggregated contents onto a first recording medium, comprising:

a first obtainment unit operable to obtain the main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the



Art Unit: 2439

aggregated contents onto the first recording medium are permitted (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the first recording medium, when the judgment unit judges that the aggregation judgment information is the information indicating that aggregation and recording onto the first recording medium are permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk).

14. Regarding claim 23, Morito teaches wherein the main content is recorded on a second recording medium, and a predetermined identifier is further recorded on the second recording medium (Figure 3 [element 2], column 4, lines 28-44),

the aggregation apparatus further comprises:

a fourth obtainment unit operable to obtain the predetermined identifier from the second recording medium (column 8, lines 23-58); and

Art Unit: 2439

a sending unit operable to send the predetermined identifier to a predetermined apparatus for sending the aggregation judgment information based on the predetermined identifier (column 8, lines 23-58),

the first obtainment unit obtains the main content from the second recording medium (Figures 3 [blocks 1, 9], 8 [blocks 1, 22], column 8, lines 22-39), and

the third obtainment unit obtains the aggregation judgment information by receiving said aggregation judgment information from the predetermined apparatus (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

15. With regards to claim 24, Morito teaches wherein the predetermined identifier is a medium identifier that specifies the second recording medium (Figure 3 [element 2], column 4, lines 28-44, column 8, lines 22-39).

16. With regards to claim 25, Morito teaches wherein the predetermined identifier is a content identifier that specifies the main content (Figure 3 [element 2], column 4, lines 28-44, column 8, lines 22-39).

17. Regarding claim 26, Morito teaches wherein the aggregation judgment information is information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted, depending

Art Unit: 2439

on billing for aggregation of the main content and the sub content (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

18. Regarding claim 27, Morito teaches wherein the aggregation judgment information is information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted, depending on the number of aggregations of the main content and the sub content (Figure 11, column 8, line 45 to column 9, line 20).

19. Regarding claim 28, Morito teaches wherein the main content and the aggregation judgment information are recorded on a second recording medium (Figure 3 [element 1]), the first obtainment unit obtains the main content from the second recording medium, and the third obtainment unit obtains the aggregation judgment information from the second recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

20. As per claims 29 and 30, Morito teaches an aggregation method and program for aggregating a main content and a sub content and recording the aggregated contents onto a recording medium, comprising:

Art Unit: 2439

a first obtainment step of obtaining the main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment step of obtaining the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment step of obtaining aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20);

a judgment step of judging whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording step of aggregating the main content and the sub content and recording the aggregated contents onto the recording medium, when it is judged in the judgment step that the aggregation judgment information is the information indicating that aggregation and recording onto the recording medium are permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk **1**).

Art Unit: 2439

21. As per claim 31, Morito teaches an aggregation system comprising an aggregation apparatus, and a reproduction apparatus, wherein the aggregation apparatus includes:

a first obtainment unit operable to obtain a main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto a recording medium (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk **1**), and

the reproduction apparatus includes:

a judgment unit operable to judge whether or not a situation of reproduction of the main content and the sub content satisfies a predetermined condition indicating that reproduction of the main content and the sub content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20), and

a reproduction unit operable to reproduce the main content and the sub content which are recorded on the recording medium, when the judgment unit judges that the situation satisfies the predetermined condition (Figures 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

Art Unit: 2439

22. As per claims 39 and 40, Morito teaches a reproduction method and program for reproducing a main content and a sub content which are aggregated and recorded onto a recording medium, comprising:

a judgment step of judging whether or not a situation of reproduction of the main content and the sub content satisfies a predetermined condition indicating that reproduction of the main content and the sub content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a reproduction step of reproducing the main content and the sub content which are recorded on the recording medium, when it is judged in the judgment step that the situation satisfies the predetermined condition (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morito in view of U.S. Patent No. 7,149,754 B2 to Miller et al., hereinafter Miller.

25. As per claim 1, Morito teaches an aggregation system comprising an aggregation apparatus, a first reproduction apparatus and a second reproduction apparatus, wherein the aggregation apparatus (Figures 3 [block 11], 8 [block 25]) includes:

Art Unit: 2439

a first obtainment unit operable to obtain a main content from a first recording medium (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto a second recording medium (Figure 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk **1**),

the first reproduction apparatus (Figures 3 [block 9], 8 [block 22]) includes:

a fourth obtainment unit operable to obtain reproduction control information for controlling reproduction of the main content (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information); and

a reproduction unit operable to reproduce the main content recorded on the first recording medium, based on the reproduction control information (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the second reproduction apparatus reproduces the main content and the sub content which are recorded on the second recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

26. Morito does not teach a reproduction apparatus with an obtainment unit operable to obtain the main content from the first recording medium.

Art Unit: 2439

27. Miller teaches obtaining original data so that it can be compared with the copied data (column 19, lines 51-64).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the reproduction apparatus to include an obtainment unit operable to obtain the main content from the first recording medium, since Miller states at column 19, lines 55-58 that this extra authentication step provides additional security.

29. Regarding claim 2, Morito teaches wherein the reproduction control information indicates whether or not reproduction of the main content is permitted, and is recorded on the first recording medium, the aggregation apparatus further includes:

a fifth obtainment unit operable to obtain the reproduction control information from the first recording medium (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a first judgment unit operable to judge whether or not the reproduction control information obtained by the fifth obtainment unit is information indicating that reproduction of the main content is permitted (Figure 11 [step S23], column 8, line 59 to column 9, line 20); and

a changing unit operable to change the reproduction control information recorded on the first recording medium so that said reproduction control information indicates that reproduction of the main content is not permitted, in the case where the main content and the sub content are recorded onto the second recording medium by the recording unit (Figure 11 [step S27], column 8, line 59 to column 9, line 20),



Art Unit: 2439

the first reproduction apparatus includes a second judgment unit operable to judge whether or not the reproduction control information obtained by the fourth obtainment unit is the information indicating that reproduction of the main content is permitted (Figures 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55),

the recording unit aggregates the main content obtained by the first obtainment unit and the sub content obtained by the second obtainment unit and records the aggregated contents onto the second recording medium, when the first judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figure 11 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1),

the fourth obtainment unit obtains the reproduction control information from the first recording medium (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information), and  
the reproduction unit reproduces the main content recorded on the first recording medium, when the second judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

30. With regards to claim 3, Morito teaches wherein the first reproduction apparatus and the second reproduction apparatus are identical (Figures 3 [block 9], 8 [block 22]).

Art Unit: 2439

31. With regard to claim 4, Morito teaches wherein a format of the main content recorded on the first recording medium is same as a format of the main content recorded on the second recording medium (column 5, lines 11-18, the prior art does not disclose converting the format of the data from the data archive to the disk).

32. With regards to claim 5, Morito teaches wherein the reproduction control information is index information which is required for reading the main content (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, column 9, lines 27-64).

33. With regards to claim 6, Morito teaches wherein the main content is encrypted, and the reproduction control information is a decryption key for decrypting the encrypted main content (column 7, lines 31-63).

34. With regards to claim 7, Morito teaches wherein a special area which can be physically destroyed is provided in the first recording medium, the reproduction control information is recorded in the special area, and the changing unit destroys the special area to prevent reproduction of the main content (Figures 6 [step S8], 7 [step S16], 11 [step S29], 13 [step S43], 15 [step S63], 16 [step S72], 17 [step S85], column 5, lines 41-45, column 10, lines 7-18, column 10, lines 63-67).

***Conclusion***

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

36. The following patents are cited to further show the state of the art with respect to verifying the integrity of a copied media, such as:

United States Patent No. 5,805,699 to Akiyama et al., which is cited to show a system for copying copyrighted software.

United States Patent No. 7,327,934 B2 to Kitani, which is cited to show content protection for recordable media.

United States Patent Application Publication No. 2002/0141737 A1 to Fuchigami, which is cited to show content protection for recordable media for reproducing audio content.

United States Patent Application Publication No. 2004/0190868 A1 to Nakano et al., which is cited to show content protection for recording media for reproducing DVD.

United States Patent Application Publication No. 2008/0069354 A1 to Kitani et al., which is cited to show content protection for recording media for copying DVD.

United States Patent Application Publication No. 2008/0072072 A1 to Muraki et al., which is cited to show content protection for recording media for copying media.

United States Patent Application Publication No. 2009/0202071 A1 to Kato, which is cited to show content protection for recording media for reproducing DVD.

United States Patent No. 7,500,101 B2 to Kitani et al., which is cited to show content protection for recording media for copying DVD.

Art Unit: 2439

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/  
Primary Examiner, Art Unit 2439

clf